

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4

5 JOHN WILSON  
6 CHARLES STILL

7 Plaintiffs,

8 v.

9 EDWARD “EDDIE” PERRELL d/b/a  
10 PERRELL MUSIC

11 DYNATONE PUBLISHING  
COMPANY

12 WARNER CHAPPELL MUSIC, INC  
13 c/o CT CORPORATION SYSTEM  
111 Eighth Avenue  
New York, New York 10011

14 UNIVERSAL MUSIC GROUP, INC.  
15 1755 Broadway  
New York, N.Y. 10019

16 BROADCAST MUSIC INC. (BMI)  
17 7 World Trade Center  
250 Greenwich Street  
18 New York, N.Y. 10007

19 and

20 ANHEUSER-BUSCH COMPANIES, INC.

Serve:

21 CT Corporation System  
111 Eighth Avenue  
22 New York, N.Y. 10011

23 Defendants\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26  
27

CASE No. 1:16-CV-00104-PAE

DEFENDANT EDWARD “EDDIE”  
PERRELL D/B/A PERRELL  
MUSIC’S ANSWER TO  
VERIFIED COMPLAINT; CROSS-  
CLAIM AGAINST DEFENDANT  
UNIVERSAL MUSIC GROUP,  
INC.

1 EDWARD “EDDIE” PERRELL d/b/a

2 PERREL MUSIC

3 CROSS-COMPLAINANT

4 vs.

5

6 UNIVERSAL MUSIC GROUP, INC.

7 CROSS-DEFENDANT

8

9 Defendant/Cross-Complainant EDWARD “EDDIE” PERRELL D/B/A  
10 PERRELL MUSIC, (“Defendant”) answers plaintiffs JOHN WILSON and CHARLES  
11 STILL (“collectively Plaintiff”) Verified Complaint and files a cross-complaint against  
12 UNIVERSAL MUSIC GROUP, INC. as follows:

13 1. Defendant is without sufficient knowledge or information to form a belief  
14 as to the truth of the allegation in paragraph 1 of the Verified Complaint and on that  
15 basis denies each and every such allegation.

16 2. Defendant is without sufficient knowledge or information to form a belief  
17 as to the truth of the allegation in paragraph 2 of the Verified Complaint and on that  
18 basis denies each and every such allegation.

19 3. Defendant is without sufficient knowledge or information to form a belief  
20 as to the truth of the allegation in paragraph 3 of the Verified Complaint and on that  
21 basis denies each and every such allegation.

22 4. Defendant is without sufficient knowledge or information to form a belief  
23 as to the truth of the allegation in paragraph 4 of the Verified Complaint and on that  
24 basis denies each and every such allegation.

25 5. Defendant is without sufficient knowledge or information to form a belief

26

1 as to the truth of the allegation in paragraph 5 of the Verified Complaint and on that  
2 basis denies each and every such allegation.

3 6. Defendant is without sufficient knowledge or information to form a belief  
4 as to the truth of the allegation in paragraph 6 of the Verified Complaint and on that  
5 basis denies each and every such allegation.

6 7. Defendant is without sufficient knowledge or information to form a belief  
7 as to the truth of the allegation in paragraph 7 of the Verified Complaint and on that  
8 basis denies each and every such allegation.

9 8. Defendant is without sufficient knowledge or information to form a belief  
10 as to the truth of the allegation in paragraph 8 of the Verified Complaint and on that  
11 basis denies each and every such allegation.

12 9. Defendant acknowledges Justin Timberlake released a single entitled "Suit  
13 & Tie" that sampled the musical composition entitled, "Sho' Nuff". As to the remaining  
14 portions of the allegation in paragraph 9, Defendant is without sufficient knowledge or  
15 information to form a belief as to the truth of the remaining allegations in paragraph 9 of  
16 the Verified Complaint and on that basis denies each and every such remaining  
17 allegations.

18 10. Defendant is without sufficient knowledge or information to form a belief  
19 as to the truth of the allegation in paragraph 10 of the Verified Complaint and on that  
20 basis denies each and every such allegation.

21 11. Defendant is without sufficient knowledge or information to form a belief  
22 as to the truth of the allegation in paragraph 11 of the Verified Complaint and on that  
23 basis denies each and every such allegation.

24 12. Defendant is without sufficient knowledge or information to form a belief  
25 as to the truth of the allegation in paragraph 12 of the Verified Complaint and on that

1 basis denies each and every such allegation.

2 13. Defendant is without sufficient knowledge or information to form a belief  
3 as to the truth of the allegation in paragraph 13 of the Verified Complaint and on that  
4 basis denies each and every such allegation.

5 14. Defendant is without sufficient knowledge or information to form a belief  
6 as to the truth of the allegation in paragraph 14 of the Verified Complaint and on that  
7 basis denies each and every such allegation.

8 15. Defendant is without sufficient knowledge or information to form a belief  
9 as to the truth of the allegation in paragraph 15 of the Verified Complaint and on that  
10 basis denies each and every such allegation.

11 16. Defendant admits he is a resident and citizen of Nevada but was the  
12 producer of “Sly, Slick & Wicked”.

13 17. Defendant admits he is the owner of Perrell Music which is a music  
14 publishing company and not a music production company.

15 18. Defendant is without sufficient knowledge or information to form a belief  
16 as to the truth of the allegation in paragraph 18 of the Verified Complaint and on that  
17 basis denies each and every such allegation.

18 19. Defendant is without sufficient knowledge or information to form a belief  
19 as to the truth of the allegation in paragraph 19 of the Verified Complaint and on that  
20 basis denies each and every such allegation.

21 20. Defendant is without sufficient knowledge or information to form a belief  
22 as to the truth of the allegation in paragraph 20 of the Verified Complaint and on that  
23 basis denies each and every such allegation.

24 21. Defendant is without sufficient knowledge or information to form a belief  
25 as to the truth of the allegation in paragraph 21 of the Verified Complaint and on that

1 basis denies each and every such allegation.

2       22. Defendant is without sufficient knowledge or information to form a belief  
3 as to the truth of the allegation in paragraph 22 of the Verified Complaint and on that  
4 basis denies each and every such allegation.

5       23. Defendant is without sufficient knowledge or information to form a belief  
6 as to the truth of the allegation in paragraph 23 of the Verified Complaint and on that  
7 basis denies each and every such allegation.

8       24. Defendant admits the allegation in paragraph 24.

9       25. Defendant is without sufficient knowledge or information to form a belief  
10 as to the truth of the allegation in paragraph 25 of the Verified Complaint and on that  
11 basis denies each and every such allegation.

12       26. Defendant is without sufficient knowledge or information to form a belief  
13 as to the truth of the allegation in paragraph 26 of the Verified Complaint and on that  
14 basis denies each and every such allegation.

15       27. Defendant is without sufficient knowledge or information to form a belief  
16 as to the truth of the allegation in paragraph 27 of the Verified Complaint and on that  
17 basis denies each and every such allegation.

18       28. Defendant is without sufficient knowledge or information to form a belief  
19 as to the truth of the allegation in paragraph 28 of the Verified Complaint and on that  
20 basis denies each and every such allegation.

21       29. Defendant is without sufficient knowledge or information to form a belief  
22 as to the truth of the allegation in paragraph 29 of the Verified Complaint and on that  
23 basis denies each and every such allegation.

24       30. Defendant was and is a record producer who produced master recordings  
25 embodying the musical performances of “Sly, Slick & Wicked”. Defendant generally

1 denies this allegation.

2 31. Defendant denies this allegation.

3 32. Defendant is without sufficient knowledge or information to form a belief  
4 as to the truth of the allegation in paragraph 32 of the Verified Complaint and on that  
5 basis denies each and every such allegation.

6 33. Defendant is without sufficient knowledge or information to form a belief  
7 as to the truth of the allegation in paragraph 33 of the Verified Complaint and on that  
8 basis denies each and every such allegation.

9 34. Defendant is without sufficient knowledge or information to form a belief  
10 as to the truth of the allegation in paragraph 34 of the Verified Complaint and on that  
11 basis denies each and every such allegation.

12 35. Defendant is without sufficient knowledge or information to form a belief  
13 as to the truth of the allegation in paragraph 35 of the Verified Complaint and on that  
14 basis denies each and every such allegation.

15 36. Defendant denies that Plaintiffs Wilson and Still produced “Sho Nuff”.

16 37. Defendant is without sufficient knowledge or information to form a belief  
17 as to the truth of the allegation in paragraph 37 of the Verified Complaint and on that  
18 basis denies each and every such allegation.

19 38. Defendant is without sufficient knowledge or information to form a belief  
20 as to the truth of the allegation in paragraph 38 of the Verified Complaint and on that  
21 basis denies each and every such allegation.

22 39. Defendant is without sufficient knowledge or information to form a belief  
23 as to the truth of the allegation in paragraph 39 of the Verified Complaint and on that  
24 basis denies each and every such allegation.

25 40. Defendant is without sufficient knowledge or information to form a belief

1 as to the truth of the allegation in paragraph 40 of the Verified Complaint and on that  
2 basis denies each and every such allegation.

3 41. Defendant denies that only did “sweetening of the recording. Defendant,  
4 along with James Brown produced the recording “Sho Nuff”.

5 42. Defendant is without sufficient knowledge or information to form a belief  
6 as to the truth of the allegation in paragraph 42 of the Verified Complaint and on that  
7 basis denies each and every such allegation.

8 43. Defendant is without sufficient knowledge or information to form a belief  
9 as to the truth of the allegation in paragraph 43 of the Verified Complaint and on that  
10 basis denies each and every such allegation.

11 44. Defendant is without sufficient knowledge or information to form a belief  
12 as to the truth of the allegation in paragraph 44 of the Verified Complaint and on that  
13 basis denies each and every such allegation.

14 45. Defendant is without sufficient knowledge or information to form a belief  
15 as to the truth of the allegation in paragraph 45 of the Verified Complaint and on that  
16 basis denies each and every such allegation.

17 46. Defendant is without sufficient knowledge or information to form a belief  
18 as to the truth of the allegation in paragraph 46 of the Verified Complaint and on that  
19 basis denies each and every such allegation.

20 47. Defendant is without sufficient knowledge or information to form a belief  
21 as to the truth of the allegation in paragraph 47 of the Verified Complaint and on that  
22 basis denies each and every such allegation.

23 48. Defendant is without sufficient knowledge or information to form a belief  
24 as to the truth of the allegation in paragraph 48 of the Verified Complaint and on that  
25 basis denies each and every such allegation.

1           49. Defendant is without sufficient knowledge or information to form a belief  
2 as to the truth of the allegation in paragraph 49 of the Verified Complaint and on that  
3 basis denies each and every such allegation.

4           50. Defendant is without sufficient knowledge or information to form a belief  
5 as to the truth of the allegation in paragraph 50 of the Verified Complaint and on that  
6 basis denies each and every such allegation.

7           51. Defendant admits this allegation.

8           52. Defendant denies this allegation.

9           53. Defendant is without sufficient knowledge or information to form a belief  
10 as to the truth of the allegation in paragraph 53 of the Verified Complaint and on that  
11 basis denies each and every such allegation.

12           54. Defendant never collected any monies belonging to required to be  
13 accounted to Plaintiffs.

14           55. Defendant is without sufficient knowledge or information to form a belief  
15 as to the truth of the allegation in paragraph 55 of the Verified Complaint and on that  
16 basis denies each and every such allegation.

17           56. Defendant is without sufficient knowledge or information to form a belief  
18 as to the truth of the allegation in paragraph 56 of the Verified Complaint and on that  
19 basis denies each and every such allegation.

20           57. Defendant is without sufficient knowledge or information to form a belief  
21 as to the truth of the allegation in paragraph 57 of the Verified Complaint and on that  
22 basis denies each and every such allegation.

23           58. Defendant is without sufficient knowledge or information to form a belief  
24 as to the truth of the allegation in paragraph 58 of the Verified Complaint and on that  
25 basis denies each and every such allegation.



1           59. Defendant is without sufficient knowledge or information to form a belief  
2 as to the truth of the allegation in paragraph 59 of the Verified Complaint and on that  
3 basis denies each and every such allegation.

4           60. Defendant is without sufficient knowledge or information to form a belief  
5 as to the truth of the allegation in paragraph 60 of the Verified Complaint and on that  
6 basis denies each and every such allegation.

7           61. Defendant is without sufficient knowledge or information to form a belief  
8 as to the truth of the allegation in paragraph 61 of the Verified Complaint and on that  
9 basis denies each and every such allegation.

10          62. Defendant is without sufficient knowledge or information to form a belief  
11 as to the truth of the allegation in paragraph 62 of the Verified Complaint and on that  
12 basis denies each and every such allegation.

13          63. Defendant is without sufficient knowledge or information to form a belief  
14 as to the truth of the allegation in paragraph 63 of the Verified Complaint and on that  
15 basis denies each and every such allegation.

16          64. Defendant is without sufficient knowledge or information to form a belief  
17 as to the truth of the allegation in paragraph 64 of the Verified Complaint and on that  
18 basis denies each and every such allegation.

19          65. Defendant denies this allegation.

20          66. Defendant is without sufficient knowledge or information to form a belief  
21 as to the truth of the allegation in paragraph 66 of the Verified Complaint and on that  
22 basis denies each and every such allegation.

23          67. Defendant is without sufficient knowledge or information to form a belief  
24 as to the truth of the allegation in paragraph 67 of the Verified Complaint and on that  
25 basis denies each and every such allegation.

1           68. Defendant is without sufficient knowledge or information to form a belief  
2 as to the truth of the allegation in paragraph 68 of the Verified Complaint and on that  
3 basis denies each and every such allegation.

4           69. Defendant is without sufficient knowledge or information to form a belief  
5 as to the truth of the allegation in paragraph 69 of the Verified Complaint and on that  
6 basis denies each and every such allegation.

7           70. Defendant is without sufficient knowledge or information to form a belief  
8 as to the truth of the allegation in paragraph 70 of the Verified Complaint and on that  
9 basis denies each and every such allegation.

10          71. Defendant is without sufficient knowledge or information to form a belief  
11 as to the truth of the allegation in paragraph 71 of the Verified Complaint and on that  
12 basis denies each and every such allegation.

13          72. Defendant is without sufficient knowledge or information to form a belief  
14 as to the truth of the allegation in paragraph 72 of the Verified Complaint and on that  
15 basis denies each and every such allegation.

16          73. Defendant is without sufficient knowledge or information to form a belief  
17 as to the truth of the allegation in paragraph 73 of the Verified Complaint and on that  
18 basis denies each and every such allegation.

19          74. Defendant is without sufficient knowledge or information to form a belief  
20 as to the truth of the allegation in paragraph 74 of the Verified Complaint and on that  
21 basis denies each and every such allegation.

22          75. Defendant is without sufficient knowledge or information to form a belief  
23 as to the truth of the allegation in paragraph 75 of the Verified Complaint and on that  
24 basis denies each and every such allegation.

25          76. Defendant is without sufficient knowledge or information to form a belief

1 as to the truth of the allegation in paragraph 76 of the Verified Complaint and on that  
2 basis denies each and every such allegation.

3 77. Defendant is without sufficient knowledge or information to form a belief  
4 as to the truth of the allegation in paragraph 77 of the Verified Complaint and on that  
5 basis denies each and every such allegation.

6 78. Defendant is without sufficient knowledge or information to form a belief  
7 as to the truth of the allegation in paragraph 78 of the Verified Complaint and on that  
8 basis denies each and every such allegation.

9 79. Defendant is without sufficient knowledge or information to form a belief  
10 as to the truth of the allegation in paragraph 79 of the Verified Complaint and on that  
11 basis denies each and every such allegation.

12 80. Defendant is without sufficient knowledge or information to form a belief  
13 as to the truth of the allegation in paragraph 80 of the Verified Complaint and on that  
14 basis denies each and every such allegation.

15 81. Defendant is without sufficient knowledge or information to form a belief  
16 as to the truth of the allegation in paragraph 81 of the Verified Complaint and on that  
17 basis denies each and every such allegation.

18 82. Defendant is without sufficient knowledge or information to form a belief  
19 as to the truth of the allegation in paragraph 82 of the Verified Complaint and on that  
20 basis denies each and every such allegation.

21 83. Defendant is without sufficient knowledge or information to form a belief  
22 as to the truth of the allegation in paragraph 83 of the Verified Complaint and on that  
23 basis denies each and every such allegation.

24 84. Defendant is without sufficient knowledge or information to form a belief  
25 as to the truth of the allegation in paragraph 84 of the Verified Complaint and on that

1 basis denies each and every such allegation.

2 85. Defendant is without sufficient knowledge or information to form a belief  
3 as to the truth of the allegation in paragraph 85 of the Verified Complaint and on that  
4 basis denies each and every such allegation.

5 86. Defendant is without sufficient knowledge or information to form a belief  
6 as to the truth of the allegation in paragraph 86 of the Verified Complaint and on that  
7 basis denies each and every such allegation.

8 87. Defendant is without sufficient knowledge or information to form a belief  
9 as to the truth of the allegation in paragraph 87 of the Verified Complaint and on that  
10 basis denies each and every such allegation.

11 88. Defendant is without sufficient knowledge or information to form a belief  
12 as to the truth of the allegation in paragraph 88 of the Verified Complaint and on that  
13 basis denies each and every such allegation.

14 89. Defendant is without sufficient knowledge or information to form a belief  
15 as to the truth of the allegation in paragraph 89 of the Verified Complaint and on that  
16 basis denies each and every such allegation.

17 90. Defendant is without sufficient knowledge or information to form a belief  
18 as to the truth of the allegation in paragraph 90 of the Verified Complaint and on that  
19 basis denies each and every such allegation.

20 91. Defendant is without sufficient knowledge or information to form a belief  
21 as to the truth of the allegation in paragraph 91 of the Verified Complaint and on that  
22 basis denies each and every such allegation.

23 92. Defendant is without sufficient knowledge or information to form a belief  
24 as to the truth of the allegation in paragraph 92 of the Verified Complaint and on that  
25 basis denies each and every such allegation.

1           93. Defendant is without sufficient knowledge or information to form a belief  
2 as to the truth of the allegation in paragraph 93 of the Verified Complaint and on that  
3 basis denies each and every such allegation.

4           94. Defendant is without sufficient knowledge or information to form a belief  
5 as to the truth of the allegation in paragraph 94 of the Verified Complaint and on that  
6 basis denies each and every such allegation.

7           95. Defendant is without sufficient knowledge or information to form a belief  
8 as to the truth of the allegation in paragraph 95 of the Verified Complaint and on that  
9 basis denies each and every such allegation.

10          96. Defendant is without sufficient knowledge or information to form a belief  
11 as to the truth of the allegation in paragraph 96 of the Verified Complaint and on that  
12 basis denies each and every such allegation.

13          97. Defendant is without sufficient knowledge or information to form a belief  
14 as to the truth of the allegation in paragraph 97 of the Verified Complaint and on that  
15 basis denies each and every such allegation.

16          98. Defendant is without sufficient knowledge or information to form a belief  
17 as to the truth of the allegation in paragraph 98 of the Verified Complaint and on that  
18 basis denies each and every such allegation.

19          99. Defendant is without sufficient knowledge or information to form a belief  
20 as to the truth of the allegation in paragraph 99 of the Verified Complaint and on that  
21 basis denies each and every such allegation.

22          100. Defendant is without sufficient knowledge or information to form a belief  
23 as to the truth of the allegation in paragraph 100 of the Verified Complaint and on that  
24 basis denies each and every such allegation.

25          101. Defendant is without sufficient knowledge or information to form a belief

1 as to the truth of the allegation in paragraph 101 of the Verified Complaint and on that  
2 basis denies each and every such allegation.

3 102. Defendant is without sufficient knowledge or information to form a belief  
4 as to the truth of the allegation in paragraph 102 of the Verified Complaint and on that  
5 basis denies each and every such allegation.

6  
7  
8  
9 **AFFIRMATIVE DEFENSES**

10 Defendant asserts the following affirmative defenses to the Verified  
11 Complaint:

12 **FIRST AFFIRMATIVE DEFENSE**  
13 **(Failure to State a Claim)**

14 103. As a separate and affirmative defense, Defendant alleges that the Verified  
15 Complaint, and each and every cause of action alleged therein, fails to state facts  
16 sufficient to constitute valid causes of action.  
17

18 **SECOND AFFIRMATIVE DEFENSE**  
19 **(Statute of Frauds)**

20 104. As a separate and affirmative defense, Defendant is informed and  
21 believes and based thereon alleges that the Verified Complaint, and each and every  
22 cause of action contained therein, is barred by the Statute of Frauds.  
23  
24  
25  
26  
27

1 THIRD AFFIRMATIVE DEFENSE  
2 (Failure to State All Necessary Parties)

3 105. As a separate and affirmative defense, Defendant is informed and  
4 believes and based thereon alleges that each and every cause of action alleged in the  
5 Verified Complaint is barred on the grounds Plaintiffs fail to join necessary and  
6 indispensable parties and therefore there is a defect in parties.

7  
8 FOURTH AFFIRMATIVE DEFENSE  
9 (Waiver)

10 106. As a separate and affirmative defense, Defendant alleges that each and  
11 every cause of action alleged in the Verified Complaint is barred in whole or in part by  
12 the equitable principle of waiver.

13 FIFTH AFFIRMATIVE DEFENSE  
14 (Unclean Hands)

15 107. As a separate and affirmative defense, Defendant alleges that each and  
16 every cause of action alleged in the Complaint is barred, in whole or in part, by the  
17 equitable principle of unclean hands.

18 SIXTH AFFIRMATIVE DEFENSE  
19 (Laches)

20  
21 108. As a separate and affirmative defense, Defendant alleges that each and  
22 every cause of action in the Verified Complaint is barred, in whole or in part, by the  
23 equitable principle of laches.  
24  
25  
26  
27

SEVENTH AFFIRMATIVE DEFENSE  
(Statute of Limitations)

109. As a separate and affirmative defense, Defendant alleges that the Verified Complaint, and each and every cause of action contained therein, is barred by the applicable statute of limitations.

EIGHTH AFFIRMATIVE DEFENSE  
(Illegal Acts)

110. As a separate and affirmative defense, Defendant alleges that each and every cause of action alleged in the Verified Complaint is barred on the grounds of Plaintiffs' and each of their illegal conduct.

NINTH AFFIRMATIVE DEFENSE  
(Estoppel)

111. As a separate and affirmative defense, Defendant alleges that each and every cause of action alleged in the Verified Complaint is barred, in whole or in part, by the equitable principle of estoppel.

TENTH AFFIRMATIVE DEFENSE  
(Failure to Mitigate)

112. As a separate and affirmative defense, Defendant alleges that the Verified Complaint, and each and every cause of action alleged therein, is barred by Plaintiffs', and each of their, failure to act reasonably and because Plaintiff, and each of them, failed to take any and all actions reasonable or necessary under the circumstances to avoid or reduce the injuries and damages alleged in the Complaint.



ELEVENTH AFFIRMATIVE DEFENSES

(Reservation of Presently Unknown Additional Affirmative Defenses)

113. As a separate and affirmative defense, Defendant alleges that they have insufficient knowledge or information based upon which it may have additional affirmative defenses, and hereby reserves the right to plead those additional affirmative defenses at a later time if such information becomes available.

**CROSS-COMPLAINT**

**Parties**

114. Cross-complainant EWARD PERRELL (“Defendant/Cross-Complainant Perrell”) alleges and complains as follows:

115. Cross-Defendant UNIVERSAL MUSIC GROUP, INC (“Cross-Defendant UMG”) is a Delaware corporation authorized to do business in New York.

116. Cross-Complainant is an individual and a resident of Nevada

**Factual Allegations**

117. Defendant/Cross-Complainant Perrell is a musician, producer, songwriter and performer in the record industry.

118. In or about 1973, Defendant/Cross-Complainant Perrell co-produced, along with James Brown, and album embodying the featured performances of the musical and recording group professionally known as “Sly, Slick and Wicked” (the “Group”). Plaintiffs were and are members of the Group.

119. In or about 1973, Plaintiffs entered into a written agreement with People

1 Records, a record company then owned by James Brown (“Recording Agreement”).  
2 To the best of Defendant/Cross-Complainant Perrell’s recollection, the Recording  
3 Agreement not only provided for the exclusive recording services of Plaintiffs to be  
4 rendered to People Records, but also assigned and transferred one hundred percent  
5 (100%) of the Plaintiff’s and other members’ copyright interest in and to the musical  
6 compositions written in whole or in part by the Plaintiffs and other members of the  
7 Group. The Recording Agreement also provided the payment of royalties and other  
8 sums in consideration of Defendant/Cross-Complainant’s co-producing services.  
9 With the passage of time (nearly 43 years) and several changes of residencies,  
10 Defendant/Cross-Complainant cannot locate a copy of the Recording Agreement.

11 120. Defendant/Cross-Complainant was credited as a co-producer on the  
12 label copy of the single entitled “Sho’ Nuff” and Defendant/Cross-Complainant’s  
13 music publishing company was credited as a co-publisher of the musical  
14 composition. A true and accurate copy of the single label is attached hereto as  
15 Exhibit 1 and incorporated herein by this reference.

16 121. As a co-publisher of the musical composition entitled, “Sho Nuff”,  
17 Defendant/Cross-Complainant registered the musical composition with Broadcast  
18 Music Inc. (“BMI”). A true and accurate copy of the BMI registration is attached  
19 hereto as Exhibit 2 and incorporated herein by this reference.

20 122. Defendant/Cross-Defendant UMG is the successor-in-interest to the  
21 Recording Agreement from Polydor Inc. who acquired the rights pursuant to its  
22 agreement with People Records.

23 123. Defendant Warner Chappell is the administrator of the musical  
24 composition entitled “Sho Nuff” as successor-in-interest to Chappell Music, and  
25 administers Defendant Dynatone’s interest in and to the musical composition entitled

1 “Sho’ Nuff”.

2 124. Defendant/Cross-Complainant Perrell entered into an Assignment and  
3 Release Agreement, whereby, among other things, Defendant Warner Chappell  
4 acknowledged a one-third (1/3) publishing interest in and to the musical composition  
5 entitled “Sho’ Nuff” and the parties agreed that Defendant Warner Chappell would  
6 administer the musical composition.

7 125. Despite repeated efforts by Defendant/Cross-Complainant Perrell to  
8 resolve the dispute with Defendant UMG concerning Defendant/Cross-Complainant  
9 Perrell’s producer royalties in connection with the master recording entitled “Sho’  
10 Nuff”, no resolution was achieved.

11 126. As of this date, Defendant/Cross-Complainant Perrell has not received  
12 an accounting or royalties from Defendant UMG in connection with the master  
13 recording entitled “Sho’ Nuff”.

14 127. In or about 2013, recording artist Justin Timberlake sampled both the  
15 musical composition and master recording entitled “Sho’ Nuff” in his recording  
16 entitled “Suit & Tie” which was released as both a single and on the album of the  
17 same name.

18 128. In or about 2013, recording artist professionally known as “J. Cole”  
19 recorded and released a recording entitled “Chaining Day” embodying the sample of  
20 the master recording and musical composition entitled “Sho’ Nuff”.

21 129. It is Defendant/Cross-Complainant’s understanding and belief that  
22 Defendant UMG negotiated a royalty for the sampled use of the master recording  
23 entitled “Sho’ Nuff” in both “Chaining Day” and “Suit & Tie”.

24

25

26

27

130. Cross-Complainant alleges and incorporates each and every allegation in paragraphs 1 through 129 inclusive as if more thoroughly set forth herein.

131. Defendant UMG has been collecting all worldwide revenue derived from the exploitation of the master recording entitled “Sho’ Nuff” as embodied in both the master recordings entitled “Suit & Tie” and “Chaining Day” and has not accounted to, nor paid royalties to Defendant/Cross-Complainant Perrell his co-producer share of such earnings.

132. Defendant/Cross-Complainant Perrell seeks an accounting and payment of any and all royalties due Defendant/Cross-Complainant Perrell in connection with the exploitation of the master recording entitled “Sho’ Nuff” including, without limitation, its embodiment as a sample in the master recordings entitled “Suit & Tie” and “Chaining Day”.

WHEREFORE, Defendant/Cross-Complainant Perrell prays for judgment as follows:

1. That Plaintiff takes nothing from Defendant/Cross-Complainant Perrell;
2. That Cross-Defendant UMG immediately account and pay all sums due to Defendant/Cross-Complainant Perrell as producer of the master recording entitled “Sho’ Nuff” and its sampled uses.
3. For reasonable attorneys’ fees from Plaintiff and/or Cross-Defendant UMG;
4. For costs of suit incurred herein;
5. For reasonable attorneys’ fees from Plaintiffs and/or Cross-Defendant UMG;

1 and

2 6. For such other and further relief which the Court may deem just and proper.

3

4 Date: July 14, 2016

ZHONG LUN LAW FIRM

5

By /Donald K. Wilson, Jr./

6

Donald K. Wilson, Jr.

7

Attorney for EDWARD "EDDIE" PERRELL

8

D/B/A PERRELL MUSIC

Defendant and Cross-Complainant

9

10 I am a defendant in this action. I have read the foregoing answer to the  
11 verified complaint. The matters stated in the answer are true of my own  
12 knowledge except those matters stated on information and belief, and as to  
13 those matters I believe them to be true. As to matters of which I have no  
14 knowledge, I generally deny those allegations.

15 I declare under penalty of perjury under the laws of the State of Nevada  
16 that the foregoing is true and correct.

17

Date: July <sup>19</sup> 2016

18

19   
EDWARD PERRELL

20

21

22

23

24

25

26

27

## **EXHIBIT 1**



## **EXHIBIT 2**





# Publisher Clearance Form

Broadcast Music, Inc., 588 Fifth Ave., N.Y., N.Y. 10017  
 AM. Index Department

THIS FORM MUST BE FILLED OUT IN  
 ACCORDANCE WITH INSTRUCTIONS ON  
 THE REVERSE SIDE AND BOTH COPIES  
 MUST BE RETURNED TO BMI.

FOR BMI USE  
 DO NOT WRITE BELOW

LOGIC

PUNCHED-VERIFIED  
 1711062

DATE RECEIVED BY BMI  
 34 8-16-73  
 By: [Signature]

TITLE ONE WORK PER FORM

SHUT NUFF

CREDIT RATE

NON WORLD

IF BASED ON PUBLIC DOMAIN, GIVE ORIGINAL TITLE AND SOURCE

CHECK IF WORK IS FROM

- ☐ MOTION PICTURE  
☐ BROADWAY SHOW  
☐ OFF BROADWAY SHOW

GIVE TITLE OF FILM OR SHOW

DO NOT ANNOUNCE

WRITER NAME(S)			WRITER ADDRESS(ES)		Part	Shw	Writer Code No	No Print in Bull	Type Code
LAST	FIRST	MIDDLE			Orig				
STILL	CHARLES	B	1700	BWY, N.Y.	BMI	1/3			21
SILVER	TERRACE		1700	BWY, N.Y.	BMI	1/3			22
WILSON	JOHN		1700	BWY, N.Y.	BMI	1/3			23
PUBLISHER(S) IF WORK IS OF SPECIAL ORIGIN, GIVE NAME OF ORIGINAL PUBLISHER					Part	Shw	Publisher Code No	No Print in Bull	Type Code
					Orig				
PUBLISHER					BMI	1/3			31
PUBLISHER					BMI	1/3			32
PUBLISHER					BMI	1/3			33

195 RECORD RELEASE  
 RECORD RELEASE

RELEASE DATE: MAY 15, 1973  
 COPYRIGHT DATE AND NUMBER: EU 406183

MAY 1973  
 DATE SUBMITTED TO BMI

[Signature]  
 AUTHORIZED SIGNATURE

INDEX DEPT.

0079371 JL-972

NAME AND ADDRESS OF SUBMITTING PUBLISHER

EDWARD MAURICE PERKELL  
 167 WEST 80 ST - APT. 3 D  
 NEW YORK CITY, N.Y.  
 10024

MAIL  
 CONFIRM-  
 ATION  
 TO

3

CLEARED IN ACCORDANCE WITH TERMS ON REVERSE SIDE

Rec

**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2016 a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Robert A. Jacobs  
Email. [rjacobs@manatt.com](mailto:rjacobs@manatt.com)

Mark S. Sidoti  
Email. [msidoti@gibbonslaw.com](mailto:msidoti@gibbonslaw.com)

Jonathon Brugh Lower  
Email. [jlower@gibbonslaw.com](mailto:jlower@gibbonslaw.com)

Matthew David Stockwell  
Email. [Matthew.stockwell@pillsburylaw.com](mailto:Matthew.stockwell@pillsburylaw.com)

Lita Teresa Rosario  
Email. [Lita.rosario@wzygirl.com](mailto:Lita.rosario@wzygirl.com)

Dated this 22<sup>nd</sup> day of July, 2016

/S/ Donald K. Wilson Jr.  
Donald K. Wilson Jr.